



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,991	09/13/2000	Dan S. Decasper	004781.P004	7946

7590

04/02/2004

Michael J Mallie  
Blakely Sokoloff Taylor & Zafman LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025

EXAMINER

LE, HIEU C

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/660,991

Applicant(s)

DECASPER ET AL.

Examiner

Hieu c. Le

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

Art Unit: 2142

1. The amendment filed 1/20/04 have been entered and made of record.
2. The Applicant 's argument filed 1/20/04 have been fully considered but they are not persuasive for the following reasons:

Applicant alleges that " the Gateway of Felciano is not a client that generates [,]" (p. 7, lines 13-18). The Examiner disagrees. Firstly, Felciano clearly discloses that program on the gateway server acts as a client and sends its own HTTP request (generates a request) for the document from the server to retrieve the document (download) (col. 4, lines 3-7), i.e., the gateway server is a client that generates a request to retrieve (download) a document from a server. Secondly, the Examiner can not find in the claim language neither "the client generates a request to access to a web server to download content" nor " a client that receives an indication from controller indicating that content is available to be downloaded".

Applicant alleges that " Applicant respectfully submits [,]" (p. 7, lines 18-22). The Examiner disagrees. The Examiner can not find in either claims 11-13 the language that " the controller is a standalone controller in a network that active monitors the web sites", nor in claim 14 "based on a client's profile" nor "to determine whether is new content available for download and if so, provides the location of the web sites to the client to enable the client to download the content".

Applicant alleges that " Even if for sake of the arguments [,]" (p. 7, line 23-p. 8, line 8). Firstly, the Examiner can not find in the claim language "download the content from the web server in response to an indication from a controller indicating that new content is available to download". Secondly, the gateway server transparently receives

Art Unit: 2142

(intercepts) the users requests for accessing multiple servers (col. 1, line 60-62), and sends its own HTTP request for the document to the server, retrieve the document (download the content), modify the URL in the document and send it to the user (col. 4. lines 3-20) i.e. the request from the user is not sent to the server and the retrieved (downloaded) document is sent to the user.

Applicant alleges that " Furthermore, there is no suggestion [,]" (p. 8, lines 9-14). The Examiner disagrees. Firstly, both Felciano and Easty relates to client server system that distribute documents (content). Secondly, In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, to selecting provide the client by the new content that meets his preferences. Third, In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

Art Unit: 2142

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable Felciano [US. Pat. No. 6052,730] over in view of Easty et al. [US. Pat. No. 6,490,587].

As to claim 1, Felciano discloses a method comprising:

a client receiving an indication from a controller that at least one new content object corresponding to content specified in a profile is to be downloaded [A CGI Script on a gateway server receives a user HTTP request for a document, the CGI (acting as a client for the user) receives a URL (indication of location) of the document (col. 3, line 58-col. 4, line 34)];

downloading the content object from the location [ the CGI Script acts as a client and retrieves the document from the server (col. 4, lines 3-7)]; and

intercepting a request to a web server for the content object and satisfying the request with the downloaded content object without sending the request to the web server [the CGI Script program replace every original URL in the downloaded document with a modified URL and sends the modified document to the user. This URL

Art Unit: 2142

substitution will direct each user request to the CGI script Gateway server instead of sending it directly to the server (col. 4, line 7- 35)];

Felciano does not disclose,

a client receiving an indication of a location of the at least one content object from the controller;

Easty discloses a system for distributing content from a central server to plurality of endpoint servers for further distribution to end users. The central server periodically refreshes (indicating new content) the content currently stored in the endpoint server based on user's profile information (col. 5, lines 30-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the combined method of Felciano by periodically indicating the new content according to content specified in a user's profile in order to selectively provide the client by the new content that meets his preferences.

As to claim 2, Felciano further discloses wherein the location comprises a peer client (Fig. 1)]

As to claim 3, Easty further discloses further comprising the client sending the profile to the controller ( col. 4, lines 19-29);

As to claim 4, Felciano further discloses further comprising building the profile (col. 4, line 51-col. 5, line 2, col. 5, lines 14-22).

As to claim 5, Felciano further discloses wherein building a profile comprises tracking a web site access pattern of an individual (col. 4, line 66- col. 5, line 2).

Art Unit: 2142

As to claim 6, Felciano further discloses wherein tracking the access pattern comprises individual tracking web sites a user accesses and the time, the user accesses the web sites individual (col. 4, line 61- col. 5, line 2, col. 5, liens 17-22).

As to claim 7, Felciano further discloses wherein tracking the access pattern comprises tracking the frequency of access by the user to the web sites (col. 4, line 66- col. 5, line 2).

As to claim 8, Easty further discloses wherein building a profile comprises using network operation center (NOC) to modify the profile (col. 4, lines 37-63).

As to claim 9, Felciano further discloses wherein using the NOC comprises adding or removing URLs of web sites the user accesses and the time the user accesses the web sites (col. 8, lines 30-43 & col. 4, lines 6-35).

As to claim 10, Felciano further discloses wherein building a profile comprises a user changing a list of URLs of web sites the user accesses and the time the user accesses the web sites to the profile (col. 4, line 61-col. 5, line 2, col. 5, lines 17-22, col. 7, lines 43-52).

As to claim 11, Felciano further discloses further comprising the controller maintaining a list of web sites and their embedded objects (col. 7, lines 43-55).

As to claim 12, Felciano further discloses wherein the list is compiled by updating information from content providers (col. 7, lines 43-55).

As to claim 13, Felciano further discloses wherein the list is compiled by:

crawling web sites; and analyzing results of the crawling (col. 4, lines 51-65).

As to claim 14, Easty further discloses wherein checking for new content objects comprises subscribing with the controller to get notification automatically of when new content objects are available (col. 4, lines 25-36).

As to claim 15, Felciano further discloses wherein checking for new content objects comprises a user crawling web sites to search for new objects (col. 4, lines 51-65).

As to claim 16, Easty further discloses further comprising the controller sending a download trigger to the user (col. 5, lines 30-40).

Claim 17 is a broad version of claim 2 and is rejected for the same reasons indicated in claim 2.

As to claim 18, Easty further discloses further comprising sending the profile to a controller that generates the location information (col. 4, lines 19-29).

Claim 19 is an apparatus analogous to the method of claim 1, arguments analogous to those applied to claim 1 are applied to claim 19 is apparatus.

Claim 20 is an apparatus analogous to the method of claim 2, arguments analogous to those applied to claim 2 are applied to claim 20 is apparatus.

Claim 21 is an apparatus analogous to the method of claim 3, arguments analogous to those applied to claim 3 are applied to claim 21 is apparatus.

Claim 22 is an apparatus analogous to the method of claim 4, arguments analogous to those applied to claim 4 are applied to claim 22 is apparatus.

As to claim 23, refer to claim 19 rejection.



5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (703) 306-9705. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER